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March 6, 2026

Via eCourts

Honorable Linda Grasso Jones, J.S.C.
Monmouth County Courthouse
71 Monument Park
Freehold, NJ 07728

**RE: In the Matter of the Application of the Borough of Farmingdale
Docket No. MON-L-267-25**

Dear Judge Jones:

As the Court is aware, this office represents the Borough of Farmingdale with regard to affordable housing matters. In accordance with the Court's Order and in accordance with the terms of the Borough's Mediation Agreement between the Borough and Fair Share Housing Center ("FSHC"), and in accordance with the amended Fair Housing Act, N.J.S.A. 52:27D-304.1(f)(2)(c), please find the following documentation to be submitted in furtherance of the Borough's application for a Certificate of Compliance:

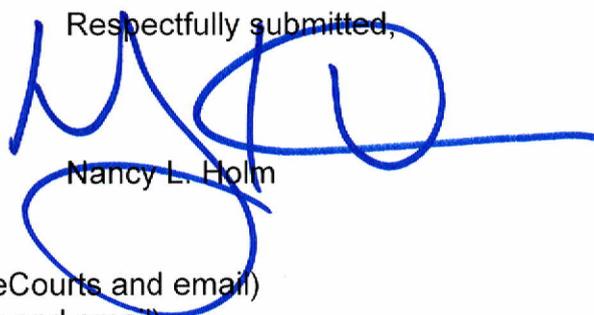
1. Adopted Amended Fourth Round Housing Element and Fair Share Plan ("Amended HEFSP");
2. Planning Board Resolution Adopting the Amended HEFSP;
3. Resolution No. 2026-49 Endorsing the Amended HEFSP;
4. Resolution No. 2026-44 Adopting an Amended Fourth Round Spending Plan and Amended Spending Plan;
5. Ordinance No. 2026-01 which amends Chestnut Street/2nd & 3rd Avenue Overlay Zone in accordance with the terms of the Mediation Agreement and adoption of same;
6. Ordinance No. 2026-02, the Borough's Amended Affordable Housing Ordinance and Development Fee Ordinance;

7. Resolution No. 2026-51, Adopting an Affordability Assistance Program Manual;
8. Resolution No. 2026-53, Adopting an Affirmative Marketing Plan;

The Borough has worked diligently to implement its Fourth Round HEFSP, as amended, as well as all of the corresponding ordinances and administrative documents. Should any documentation need to be corrected or amended, the City will do so timely, in accordance with the instructions of the Court and in collaboration with FSHC.

The Borough extends its sincere appreciation to FSHC for working together with Willingboro to come to an agreement in an extremely short timeframe and looks forward to finalizing its Fourth Round compliance with the Court in the coming months.

Respectfully submitted,



Nancy L. Holm

cc: Ariela Rutbeck-Goldman, Esq. (via eCourts and email)
Kendra Lelie, PP, AICP (via eCourts and email)
Borough of Farmingdale (via email)
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AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN

BOROUGH OF FARMINGDALE

Monmouth County, New Jersey

Adopted: May 27, 2025

Amended: January 26, 2026
Amendment Adoption: March 3, 2026

Prepared by:



T. ANDREW THOMAS, P.P.

Thomas Planning Associates, LLC
P.O. Box 363
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Original signed and sealed in accordance with N.J.A.C. 13:41-1 et seq.

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INTRODUCTION

The Borough of Farmingdale has prepared this Amended Housing Plan Element and Fair Share Plan in accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the New Jersey Fair Housing Act, N.J.S.A. 52:27D-310 et seq. (“the FHA”). The Municipal Land Use Law requires that a municipal master plan include a housing plan element to enable the municipality to exercise the power to zone and regulate land use.

The Round 4 Housing Plan Element and Fair Share Plan was prepared and adopted by the Planning Board on October 17, 2017 and endorsed by the Borough Council on November 8, 2017 per Resolution #89-2017, and approved by the Superior Court by way of Final Judgment of Compliance and Repose on June 26, 2018 (“2018 Final JOR”). The Round 4 Housing Plan addresses current affordable housing planning requirements for Round 4 (2025-2035) and summarizes the Round 1-3 obligation for the period from 1987 through 2025. It was adopted on May 27, 2025 and submitted to the Affordable Housing Dispute Resolution Program (“the Program”). The Borough received a challenge from Fair Share Housing Center (“FSHC”) by the August 31, 2025 statutory deadline and negotiated a settlement with FSHC through the Program’s mediation mechanism, which required this amendment. This Housing Plan amends the Round 4 Housing Plan and Fair Share Plan and supersedes the Plan adopted on May 27, 2025 and addresses the settlement terms with FSHC.

In addition to following the requirements set forth in the FHA, this Amended Housing Plan Element and Fair Share Plan was also prepared utilizing the applicable rules and regulations of the Substantive Rules of the New Jersey Council on Affordable Housing (COAH) for the periods beginning on June 6, 1994 (N.J.A.C. 5:93- 1.1 et seq.) and June 2, 2008 (N.J.A.C. 5:97-1.1 et seq.), as impacted by the March 10, 2015 decision of the New Jersey Supreme Court In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (“Mount Laurel IV”), the New Jersey Department of Community Affairs (DCA) affordable housing obligations and methodology (2025-2035) fourth round, and the Administrative Office of the Courts’ Directive No. 14-24 (“AOC Directive 14-24”).

BACKGROUND

The first Housing Plan Element for Farmingdale was prepared in July 1996 by James W. Higgins Associates as part of an updated Borough Master Plan. The Housing Plan Element recommended that the Round 1 affordable housing obligation of twenty-five (25) units be provided through housing rehabilitation due to the limited availability of suitable, developable land in the Borough for affordable housing and the character of the existing housing stock - half of which was rental housing with a median income lower than the moderate income rental limits established by COAH. The Borough did not petition COAH for Round 1 Certification.

The Borough’s second Housing Plan Element and Fair Share Plan was prepared by Coppola Associates and adopted by the Planning Board on August 23, 2004 by Resolution 04-12. It was approved on September 21, 2004 by the Borough Council by Resolution 04-75. The second Housing Plan addressed the Borough’s Round 1 and Round 2 obligations and was submitted to Superior Court for approval. A Judgment of Repose was granted by Judge Robert O’Hagan J.S.C. on December 21, 2004.

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On July 2, 2015, the Borough filed a declaratory judgment action pursuant to Mount Laurel IV, seeking a judicial declaration that its Housing Plan Element and Fair Share Plan satisfied its “fair share of the regional need for low-and-moderate income housing” pursuant to the Mount Laurel doctrine.

The Borough’s prior Housing Plan for cumulative Rounds 1 through 3 was adopted by the Planning Board on October 17, 2017 and endorsed by the Borough Council on November 8, 2017 per Resolution #89-2017. The Housing Plan was adopted pursuant to a Settlement Agreement between the Borough and Fair Share Housing Center (“FSHC”) on February 21, 2017 (Docket No. MON-L-5603-05 and in accordance with the mandatory requirements of the FHA; requirements of the MLUL; and applicable regulations of the New Jersey Council on Affordable Housing. Elizabeth C. McKenzie, P.P., A.I.C.P., was appointed “Special Master” by the Court. The Borough and FSHC executed a Settlement Agreement, which was approved by the Court after a duly-noticed Fairness Hearing, by Order dated January 29, 2018. The Settlement Agreement is provided as Exhibit 1.

A final Judgment of Compliance and Repose was granted by the Honorable Dennis R. O’Brien, J.S.C., on June 26, 2018 (“2018 Final JOR”) and remains in effect until July 2, 2025. The 2018 Final JOR is provided as Exhibit 2.

Round 1 and 2 Obligation and Plan Summary

Farmingdale's combined Prior Round obligation for COAH Rounds 1 and 2 for the period 1987 to 1999 consisted of a pre-credited obligation of 25 affordable housing units comprised of a rehabilitation component of six (6) units and a new construction component of 19 units. The Round 1 and Round 2 obligation was addressed and satisfied in accordance with the Coppola Associates Housing and Fair Share Plan in 2004. The Housing and Fair Share Plan was submitted to Superior Court, and a Judgment of Repose was granted on December 21, 2004 by the Honorable Robert O’Hagan, J.S.C. (“2004 JOR”).

The Round 1 and Round 2 Housing Plan was prepared in conformance with a Court-approved Settlement Agreement in the case of Traditional Developers, L.L.C. vs. Borough of Farmingdale, et. als. Docket No. MON-L-5585-02. The Settlement Agreement included several important requirements that were to be addressed by the developer and the Borough. Three of the most important items of the settlement were; (1) that the Borough would permit Traditional Developers to construct 21 single family detached residential housing units in a manner consistent with a concept plan incorporated into and made a part of the agreement; (2) that the developer would be required to contribute \$125,000 to the Borough's Affordable Housing Trust Fund, which can be utilized by the Borough for any affordable housing activity sanctioned under COAH’s regulations; and (3) that the development of this project will not create any growth share obligation for the Borough for COAH’s Round 3 Housing Cycle.

The 2004 JOR approved the Round 1 and 2 combined Housing Plan and Settlement Agreement. The 2004 JOR provided for a total of 20 new construction affordable housing credits, which addressed the combined Round 1 and Round 2 obligation of 19 housing units for the period 1987-

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1999. The approved Housing Plan resulted in a surplus of (1) affordable housing credit that was authorized to be carried forward and applied to the projected Round 3 obligation. The Round 1 and Round 2 Housing Plan also addressed the rehabilitation component of six (6) housing units.

Round 3 Obligation and Plan Summary

In 2013, the New Jersey Supreme Court upheld and modified the 2010 Appellate Division ruling, which partially invalidated COAH's Rules for the period from 2004 through 2018 (viz., N.J.A.C. 5:96 and N.J.A.C. 5:97). As a result, COAH was charged with adopting new affordable housing rules. However, COAH failed to adopt new rules. Due to COAH's failure to adopt new rules, the New Jersey Supreme Court ruled on March 10, 2015 that 15 Superior Courts would take control of the New Jersey Affordable Housing process.

Under the New Jersey Supreme Court's ruling, municipalities were able to file declaratory judgment (DJ) actions to validate their affordable housing plans as compliant with affordable housing obligations. Pursuant to Mount Laurel IV, the Borough filed a Declaratory Judgment action with the Court on July 2, 2015 seeking a judicial declaration that its Housing Plan Element and Fair Share Plan, as may be amended, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the Mount Laurel doctrine, and sought protection from all exclusionary zoning lawsuits.

The Round 3 obligation for Farmingdale covering the period from 1999 through 2025 was 51 units pursuant to the Court approved Settlement Agreement. The Borough undertook a vacant land adjustment yielding a Realistic Development Potential (RDP) calculation of three (3) affordable housing units for Round 3 due to an underdevelopment property – Farmingdale Garden Apartments. The Borough's Housing Plan addressed the 3-unit RDP based upon a zoning amendment which allowed for a potential increase in the number of apartment units on an already developed site, with the additionally permitted units to have a 20 percent affordable housing set-aside. Under the Round 3 settlement agreement and the 2018 Final JOR the Borough agreed to address its three (3) unit RDP and a portion of its remaining Round 3 unmet need through the following mechanisms:

"Farmingdale Garden Apartments" Property

Pursuant to the Settlement Agreement the Borough amended its zoning ordinance to permit the Farmingdale Garden Apartments as an as-of-right use and permit a density of 15 units per acre. The change in zoning increased the existing density which was constructed as 13.7 units per acre. The magnitude of the density increase is based on the parcel's limited undeveloped area. However, such an increase in density could create an opportunity to construct an additional 16 units on-site, raising the total number of units from 176 units to 192 units. As a condition of this increase in density, the developer/owner would be required to provide a 20 percent affordable housing set-aside on the additional units to be built, which would equal three (3) affordable rental units on-site. One of these units shall be required to be a very low-income unit, one shall be required to be a low-income unit and one may be a moderate-income unit." The additional development property was not undertaken during Round 3.

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“Sterns” Property

Pursuant to the Settlement Agreement and “subject to all notice and hearing provisions set forth in the New Jersey Municipal Land Use Law and any other relevant statutes, the Borough adopted an “overlay zone” on the entire Sterns Property located at 30 Southard Avenue. The overlay zone is an option to the existing LI – Light Industrial Zone of the property to permit multi-family residential development at a gross density of 10 dwelling units per acre. In addition, the overlay zone permits a maximum building height of 3 stories and 45 feet, provided that no building or portion of a building erected within 75 feet of a residential zone shall exceed two and a half stories and 35 feet in height. The overlay zone requires a twenty (20) percent affordable housing set aside for affordable sale units and a fifteen (15) percent affordable housing set aside for affordable rental units. The development of the property under the overlay zone was not undertaken during Round 3.

Development Fee Ordinance

The Borough adopted a Development Fee Ordinance (#05-02 adopted January 18, 2005) approved by the Court which was updated and amended pursuant to Ordinance 02-2018 adopted April 3, 2018.

Affirmative Housing Ordinance and Affirmative Marketing Plan

The Borough adopted an Affordable Housing Ordinance and Affirmative Marketing Plan Ordinance.

Spending Plan

The Borough adopted a Spending Plan in accordance with the provisions of the Settlement Agreement.

Round 4 Obligation and Rules

On March 20, 2024, Governor Murphy signed P.L. 2024, c.2. into law which amended the Fair Housing Act and established a new framework and regulations for affordable housing obligations in New Jersey. As part of the new law, the DCA prepared a report in October 2024, calculating the fourth round (2025-2035) fair share methodology for each of the state’s municipalities including present need and prospective need.

The Borough adopted Resolution 2025-28 on January 21, 2025, committing to the DCA fourth round present need (rehabilitation) obligation of zero (0) units and prospective need obligation of 22 units subject to the reservation of all rights. (See Exhibit 3). On January 22, 2025 the Borough filed a complaint for Declaratory Relief pursuant to the AOC Directive 14-24, requesting that the Affordable Housing Dispute Resolution Program (“the Program”):

(1) review and establish the Borough’s present and prospective affordable housing obligations;

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(2) provide continued immunity from all Mount Laurel lawsuits, including “builder’s remedy” lawsuits, through 2035;

(3) review and approve the Borough’s Housing Plan Element and Fair Share Plan; and

(4) issue a Certificate of Compliance to the Borough.

On April 1, 2025, the Program, by way of an Order from the Superior Court, established the Borough’s Round 4 present and prospective need obligations based upon the Borough’s adopted binding resolution. A copy of that Order is Exhibit 4.

On May 27, 2025, the Planning Board adopted the Housing Element and Fair Share Plan, and the Borough Council endorsed the plan on June 3, 2025. In accordance with the Amended Fair Housing Act, the Borough’s plan was filed within 48 hours of adoption by the Planning Board with the Program. The Borough received a challenge from FSHC, which was successfully mediated and the Borough and FSHC executed a Mediation Agreement, which was recommended for approval to the Vicinage Mount Laurel Judge in Monmouth County. As part of that Mediation Agreement, the May 27, 2025 plan has been amended in accordance with the terms of the Mediation Agreement.

HOUSING PLAN REQUIREMENTS

The Borough of Farmingdale has prepared this Amended Housing Plan Element and Fair Share Plan:

1. In compliance with the Fair Housing Act, Section 10 of P.L. 1985, c.222 (N.J.S. 52:27D-310), which requires a municipal housing plan element to achieve the goal of and access to affordable housing to meet present and prospective needs;
2. Addressing the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.) for preparation of a municipal "Housing Plan Element"; and
3. Applicable provision of the Substantive Rules of the New Jersey Council on Affordable Housing (COAH) for the periods beginning on June 6, 1994 (N.J.A.C. 5:93-1.1 et. seq.) and on June 2, 2008 (N.J.A.C. 5:97-1.1 et. seq.), as required by the March 10, 2015 decision of the New Jersey Supreme Court in Mount Laurel IV.
4. Requirements of P.L. 2024, c. 2 that provides the framework and regulations for affordable housing including Round 4 (2025-2035) calculations for present and prospective need.

The Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., provides that a municipal Master Plan must include a Housing Plan Element as a prerequisite for the adoption of zoning ordinances and any subsequent amendments. This Amended Housing Plan Element and Fair Share Plan was prepared in accordance with N.J.S.A. 40: 55D-28.

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Section 10 of the Fair Housing Act, N.J.S.A. 52:27D-310, requires that a municipal Housing Plan Element be designed to achieve the goal of providing access to affordable housing to meet present and prospective housing needs, with particular attention to "low" and "moderate" income housing, containing at least:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to "low" and "moderate" income households and substandard housing capable of being rehabilitated;
- b. A projection of the municipality's housing stock, including the probable future construction of "low" and "moderate" income housing, for the next ten (10) years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's "present" and "prospective" "fair share" for "low" and "moderate" income housing and its capacity to accommodate its "present" and "prospective" housing needs, including its "fair share" for "low" and "moderate" income housing; and
- f. A consideration of the lands that are most appropriate for construction of "low" and "moderate" income housing and of the existing structures most appropriate for conversion to, or rehabilitate for, "low" and "moderate" income housing, including a consideration of lands of developers who have expressed a commitment to provide "low" and "moderate" income housing.
- g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20);
- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into

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inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and

- i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

The Borough's affordable housing obligation is described and summarized as follows based upon the applicable provisions:

1. Prior Round Obligation (including GAP period) - The prior round obligation covers the period from 1987 through 1999 and GAP period 1999-2015. *(As calculated pursuant to the Jacobson Methodology)* **[70 units including 19 units in Round 1&2 and 51 units in Round 3]**
2. Round 4 Present Need – The present need is a measure of overcrowded and deficient housing that is occupied by low-and-moderate income households. The present need was previously referred to as “rehabilitation share.” *(As calculated by NJ DCA as published in the “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background)* **[zero (0) units]**
3. Round 4 Prospective Need - Prospective need is a measure of low-and-moderate income housing needs based on development and growth that occurred or is reasonably likely to occur in a region or municipality. The Prospective Need includes the Round 4 period from 2025 through 2035. *(As calculated by NJ DCA as published in the “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background)* **[Twenty-two (22) units]**

This Amended Housing Plan Element addresses each of these required items under the Municipal Land Use Law and other requirements.

BOROUGH OF FARMINGDALE LOCATION

The Borough of Farmingdale is situated in the east central portion of Monmouth County and contains approximately 0.53 square miles or 337 acres. The Borough is located in the east central area of Monmouth County and is completely surrounded by the Township of Howell. Figure 1 shows the location of Farmingdale within Monmouth County.

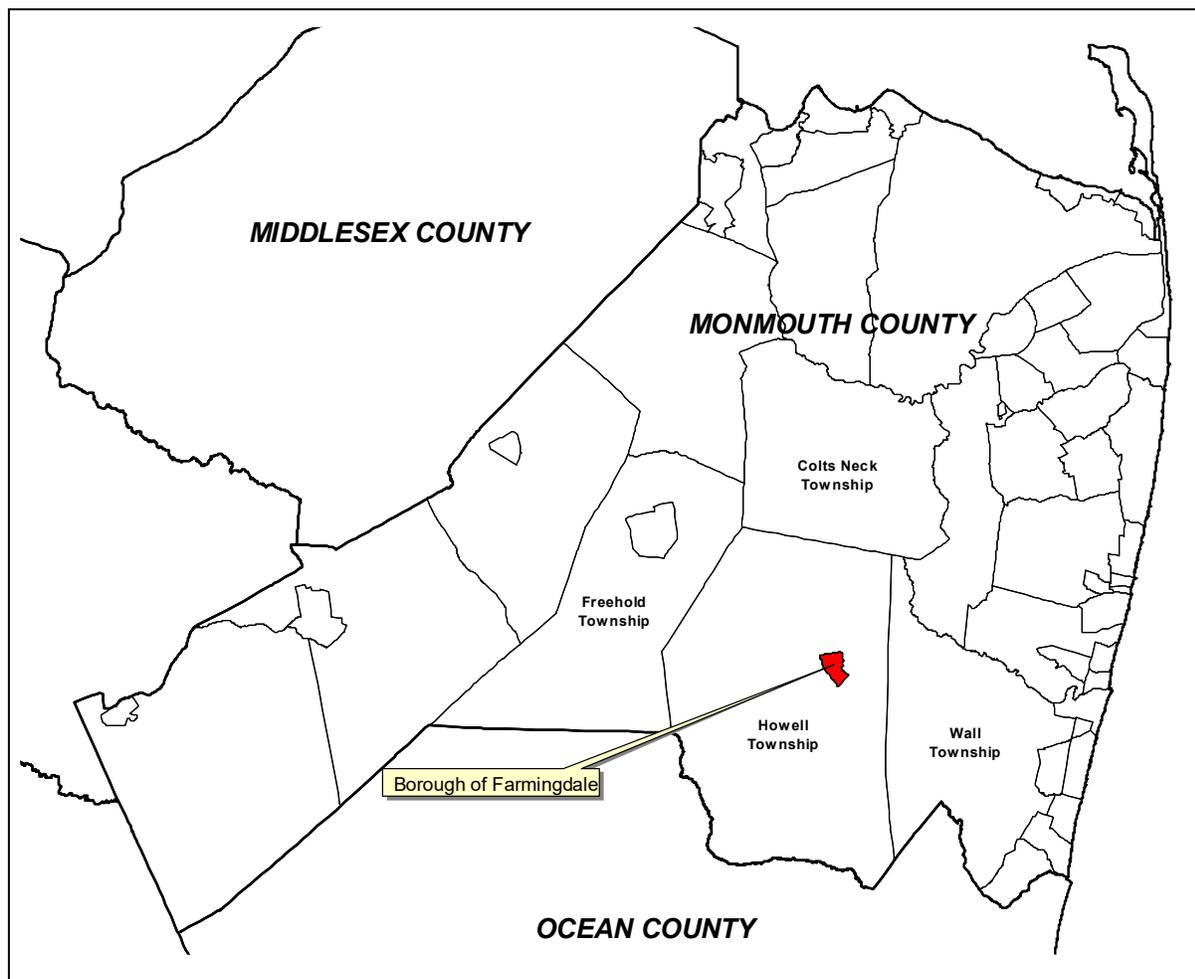
The main roadways within the Borough include Main Street (County Road 524) running north – south through the central portion of the Borough, and Asbury Avenue (County Road 547) which intersects Main Street from the east.

Figure 2 shows the existing land uses and extent of freshwater wetlands within the Borough. The Borough has a mix of uses including residential, commercial, industrial, farm, apartment, house of worship and public property. There are some large private vacant parcels of land, however, they are constrained by regulated freshwater wetlands. Figure 2 also shows the location of the vacant

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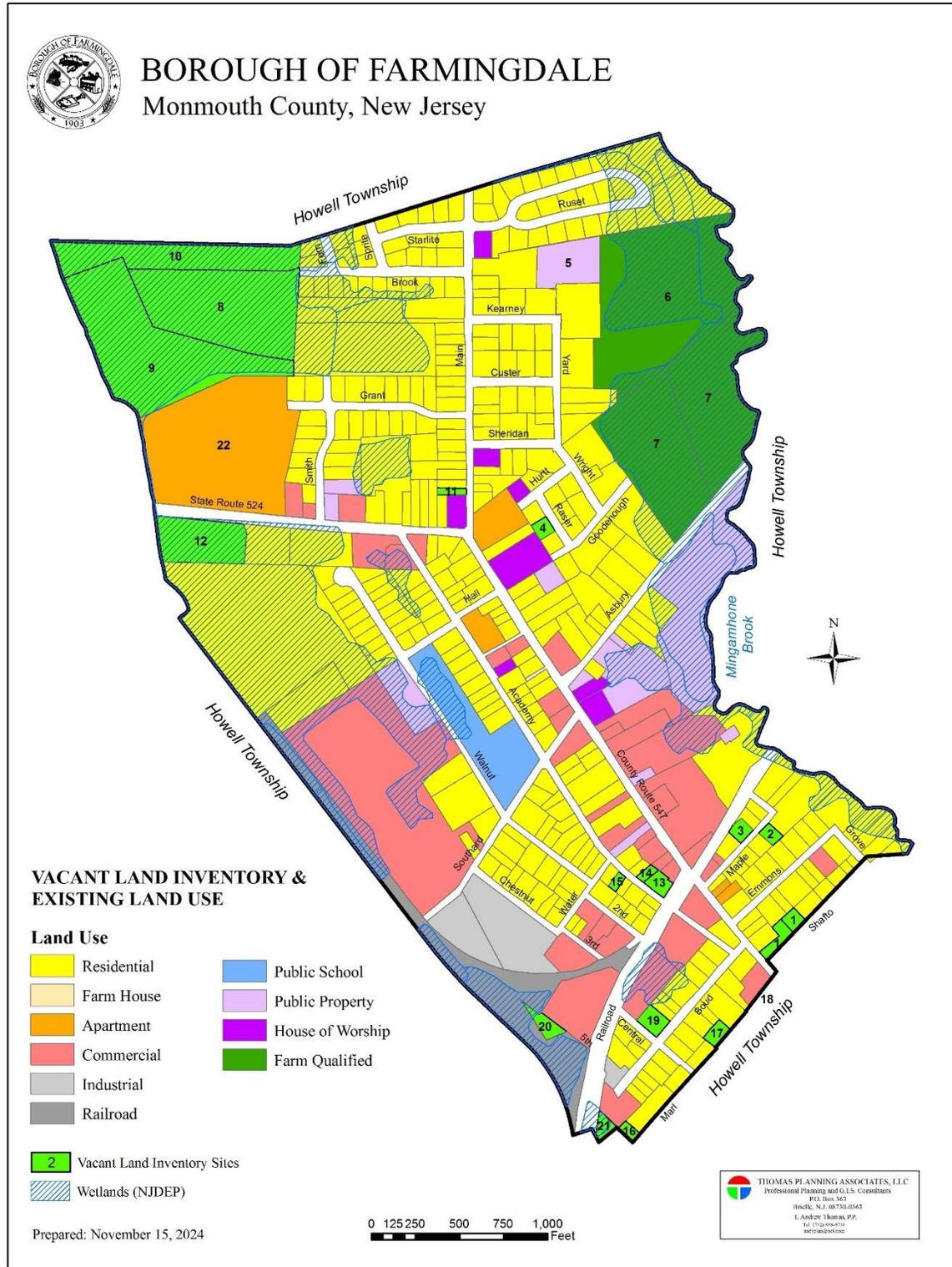
land inventory that is utilized in the preparation of the Realistic Development Potential (RDP). The vacant parcels are keyed to a chart and are further described in the Housing Plan.

Figure 1
LOCATION MAP
Borough of Farmingdale



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Figure 2
EXISTING LAND USE MAP
Borough of Farmingdale



FARMINGDALE AND THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN

On June 12, 1992, the New Jersey State Planning Commission adopted "Communities of Place: The New Jersey State Development and Redevelopment Plan" (SDRP) which serves as a guide for municipal, county and state master planning.

The New Jersey State Plan is being updated in 2025 by the N.J. Department of State Office of Planning Advocacy and the State Planning Commission (SPC). The draft Plan is being reviewed in phases through a process of “cross-acceptance” which is defined as a “*process of updating the New Jersey State Development and Redevelopment Plan (State Plan) by comparing statewide planning policies at various government levels with the purpose of attaining a high level of consistency among municipal, county, regional, and State agency plans with the State Plan.*”¹

According to the current and proposed State Plan map Farmingdale Borough is located in Planning Area 1 (Metropolitan Planning Area) on the Preliminary State Policy Map (SPPM) of the State Development and Redevelopment Plan (SDRP) last amended October 18, 2012.

The Metropolitan Planning Area (Planning Area 1) includes areas that have a mature pattern of development and infrastructure, and diminished supply of vacant land. The intention of the State Plan in this Planning Area is to:

- provide for much of the state's future redevelopment;
- revitalize cities and towns;
- promote growth in compact forms;
- stabilize older suburbs;
- redesign areas of sprawl; and
- protect the character of existing stable communities.

The Borough has participated and will continue to participate with the Monmouth County Planning Board and State Planning Commission in the State-wide Cross Acceptance Program.

MUNICIPAL DEMOGRAPHIC CHARACTERISTICS AND HOUSING INVENTORY

Housing Plans must contain a discussion of the demographic, housing and economic characteristics of the municipality as required by N.J.S.A. 52:27D-310. The following characteristics are provided by the U.S. Bureau of Census (2020), the American Community Survey (2018-2023) and the New Jersey Department of Labor and Workforce Development as noted.

Demographic Characteristics

According to the 2020 U.S. Census, the population of the Borough of Farmingdale was 1,504, an increase of 175 or 13.1 percent from 2010 when the population was 1,329 persons. There was also an increase in the number of housing units from 578 to 630, an increase of 52 units or 9.0 percent.

¹ Source: 2024 Updated Cross-Acceptance Manual Office of Planning Advocacy NJ Business Action Center NJ Department of State June 5, 2024.

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Figure 3 shows the population by age and includes pre-school age, school age, working age and seniors.

Figure 3
POPULATION BY AGE
Borough of Farmingdale

Age (Years)	Number	Percent
Pre-School Age		
Under 5	82	5.5%
School Age		
5 to 9	83	5.5%
10 to 14	81	5.4%
15 to 19	93	6.2%
Working Age		
20 to 24	97	6.4%
25 to 34	214	14.2%
35 to 44	210	14.0%
45 to 54	194	12.9%
55 to 59	121	8.0%
60 to 64	116	7.7%
Seniors Age		
65 and Older	213	14.2%
TOTAL	1,504	100.0%

Source: U.S. Census (2020)

Additional key demographic features of the Borough from the 2023 American Community Survey 5-year estimates are as follows:

- (1) The Borough contains approximately 582 households including 328 family households or fifty-six and four (56.4) percent.
- (2) The median age of the Borough population is 36.5.
- (3) The median household income was \$97,574. The income distribution is shown in Figure 4. Twenty-one and one tenths (21.1) percent of the Borough households had an income between \$100,000 and \$149,999 and 23.2 percent of \$150,000 and greater. Twenty-three (23.0) percent had household incomes below \$50,000.
- (4) Average household size is 2.39 persons and average family size is 3.32 persons.

Figure 4
HOUSEHOLD INCOME DISTRIBUTION
Borough of Farmingdale

Income Range	Percent
Less than \$10,000	0.5%
\$10,000 to \$14,999	0.0%
\$15,000 to \$24,999	6.2%
\$25,000 to \$34,999	11.0%
\$35,000 to \$49,999	5.3%
\$50,000 to \$74,999	21.5%
\$75,000 to \$99,999	11.2%
\$100,000 to \$149,999	21.1%
\$150,000 to \$199,999	15.5%
\$200,000 or more	7.7%
Total Households	100.0%
Median household income	\$97,574
Mean household income	\$103,047
Per capita income	\$45,572

Source: American Community Survey (ACS) 2018-2023

Housing Characteristics

The housing stock of the Farmingdale Borough is comprised of 630 total units per the 2020 Census. This was an increase of 52 units from the 2010 Census, where 578 units were recorded. Other key housing characteristics from the 2020 Census are presented below:

- (1) There were 616 occupied housing units or 97.8 percent. Vacant housing units included 14 units or 2.2 percent, which included 2 for rent; 2 for sale only; 0 for seasonal, recreational or occasional use; and 8 listed as “other” vacant units.
- (2) Forty-eight and five percent (48.5) percent, or 299 units, of the housing stock is owner-occupied and 51.5 percent, or 317 unit, is renter-occupied.
- (3) The average household size for owner occupied housing units was 2.98, while for renter occupied units it was 1.69.

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- (4) The homeowner vacant rate was 0.7 percent and rental vacancy rate was 0.6 percent.
- (5) Of the 616 occupied housing units, 299 were owner-occupied units and 317 were renter occupied units.
- (6) Of the 616 households 391 units, or 63.5 percent, were family households while 225 or 36.5 percent were non-family households.
- (7) Householders 65 years of age or older accounted for 168 or 27.3 percent of the total households.

Housing characteristics from the 2018-2023 American Community Survey 5-year estimates were as follows:

- (1) There were 6 units lacking complete plumbing facilities and zero (0) units lacking complete kitchen facilities.
- (2) Approximately 36.8 percent of the units were built in 1950 or earlier indicating a relatively old housing stock. Ten and four tenths' (10.4) percent or 62 units were added to the Borough's housing stock between 2000 and 2023. Figure 5 shows the age of housing stock by construction date.
- (3) The value of the housing stock for owner occupied units is shown in Figure 6. The majority of the homes (60.8 percent) were valued between \$300,000 and \$499,999. Sixty-eight (68) units or 20.4 percent were valued between \$500,000 and \$999,999 and no units were valued at \$1,000,000 or greater.
- (4) Median Gross Rent for 2023 was \$1,454. This included 13 units paying between \$0 and \$999; 99 units paying between \$1,000 and \$1,499; 115 units paying between \$1,500 and \$1,999; and 19 units paying \$2,000 or greater.

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Figure 5
HOUSING CONSTRUCTION DATE
Borough of Farmingdale

Year	Number	Percent
2020 or later	3	0.5%
2010 to 2019	37	6.2%
2000 to 2009	22	3.7%
1990 to 1999	8	1.3%
1980 to 1999	63	10.6%
1970 to 1979	208	35.0%
1960 to 1969	34	5.7%
1950 to 1959	95	16.0%
1940 to 1949	37	6.2%
1939 or earlier	87	14.6%
TOTAL	594	100.0%

Source: American Community Survey 2018-2023 five-year estimates

Figure 6
VALUE FOR OWNER OCCUPIED HOUSING UNITS
Borough of Farmingdale

Year	Number	Percent
Less than \$50,000	6	1.8%
\$50,000 to \$99,999	0	0.0%
\$100,000 to \$149,999	0	0.0%
\$150,000 to \$199,999	0	0.0%
\$200,000 to \$299,999	57	17.1%
\$300,000 to \$499,999	203	60.8%
\$500,000 to \$999,999	68	20.4%
\$1,000,000 or greater	0	0.0%
TOTAL	334	100.0%

Source: American Community Survey 2018-2023 five-year estimates

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Employment Characteristics

Figure 7 shows the employment characteristics for the Borough of Farmingdale based on the 2018-2023 American Community Survey. Six hundred and ninety-six (696) persons Borough residents were employed based on the 2023 American Community Survey with 30.3 percent (211 persons) working in the education, health and social services industry. The next largest employment category was professional, scientific, and management, and administrative and waste management services with 14.4 percent or 100 persons, and arts, entertainment, recreation, and food services with 12.8 percent or 89 persons.

Figure 7
EMPLOYMENT CHARACTERISTICS *
Borough of Farmingdale

Classification	Number	Percent
Agriculture, forestry, fishing and hunting, and mining	0	0.0%
Construction	64	9.2%
Manufacturing	42	6.0%
Wholesale trade	4	0.6%
Retail trade	69	9.9%
Transportation and warehousing, and utilities	14	2.0%
Information	5	0.7%
Finance and insurance, and real estate and rental and leasing	17	2.4%
Professional, scientific, and management, and administrative and waste management services	100	14.4%
Educational services, and health care and social assistance	211	30.3%
Arts, entertainment, and recreation, and accommodation and food services	89	12.8%
Other services, except public administration	30	4.3%
Public administration	51	7.3%
Total - Civilian Employed Population 16 and over	696	100.0%

** Occupation for Employed Civilian Population 16 Years and Over
Source: 2018-2023 American Community Survey five-year estimates*

Existing and Probable Future Employment

Based on the American Community Survey the number of persons within the Labor Force has decreased in the Borough between 2010 and 2023 from 768 to 696 persons employed. This is presented in Figure 8 as follows:

Figure 8
CIVILIAN EMPLOYMENT*
Borough of Farmingdale

Year	Persons Employed (16 Years and Older)
2010	768
2012	710
2014	728
2016	723
2018	706
2020	617
2023	696

** Occupation for Employed Civilian Population 16 Years and Over*
Source: 2010-2023 American Community Survey

Based on number of persons in the Borough and given the fact that the Borough is fully built-out it is expected that the number of persons employed within the Borough will continue to remain steady in the future.

Low and Moderate Income Units - Farmingdale

The approximate number of low- and moderate-income units within the Borough can be determined based on the 2022 American Community Survey and 2022 Affordable Housing Regional Income Limits for low- and moderate-income persons.

The approximate number of housing units that are affordable to two-person low- and moderate-income households for rental and for sale units are as follows based on 2022 income limits and 2014 Census data:

- Low-income rental units: approximately 47 units of 226 units paying rent (20.8% of rental units)

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- Moderate income rental units: approximately 81 units of 226 units paying rent (35.8% of rental units)
- Low income for-sale units: approximately 11 units out of 315 total owner-occupied housing units (3.5% of for-sale units)
- Moderate income for sale units: approximately 44 units out of 315 owner occupied units (13.9% of for-sale units)

Exhibit 5 shows the 2022 rental housing rates for low- and moderate-income units and the 2022 sales prices for single family detached units for low- and moderate-income housing units. Exhibit 5 also provides the 2022 Affordable Income Limits under COAH.

LAND USE PATTERNS / CONSTRAINTS AND AREAS MOST APPROPRIATE FOR LOW- AND MODERATE-INCOME HOUSING

Land Use Patterns

The Borough is a mature and nearly fully built-out community. Figure 9 presents the breakdown of existing land uses in the Borough. The existing land use patterns are reflected in the current Zoning Map. Approximately 47.5 percent of the Borough's existing land area is occupied by residential uses consisting primarily of single-family residential uses. Commercial and industrial uses consist of approximately 14.1 percent of the land area. Farm qualified land accounts for 8.5 percent of the land area.

Vacant land accounts for 8.8 percent of the land area, however, most of the areas are encumbered by freshwater wetlands. Approximately 11.3 percent of the land area is comprised of streets and rights-of-way area; 2.6 percent is comprised of railroad right-of-way; and the remaining 7.2 percent is owned by the Borough of Farmingdale, Board of Education, or other public agencies and by non-profit organizations such as houses of worship.

Figure 9
EXISTING LAND USE *
Borough of Farmingdale

Category	Acres	Percent
Residential	144.5	42.9%
Apartment	15.4	4.6%
Commercial	41.6	12.4%
Industrial	5.6	1.7%
Farm Qualified	28.5	8.5%
Public School	4.8	1.4%
Public Property	15.9	4.7%
House of Worship	3.9	1.1%
Railroad	8.8	2.6%
Streets	38.0	11.3%
Vacant	29.7	8.8%
Total	336.8	100.0%

**Source: 2023 GIS mapping and Tax Assessment Data*

Availability of Sewer and Water Infrastructure

The Borough of Farmingdale is provided by both public water and sewer services. The Borough sewerage system connects to the Manasquan River Regional Sewerage Authority for transmission and then to the Ocean County Utilities Authority for treatment. According to the Borough Master Plan, both of these authorities have adequate facilities to serve the present and future needs of the Borough.

The water supply for the Borough is serviced through ground water from two wells and an interconnection with the New Jersey American Water (NJAW) System located in adjoining Howell Township. Farmingdale owns, operates and maintains the two wells that draw water from the Englishtown Aquifer. One well is located at the Walnut Street Water Treatment Plant and the other well is located at the Main Street Reservoir. The two wells are in conformance with N.J.D.E.P. water resource regulations. The NJAW system's water comes from a blend of sources including groundwater from the Potomac-Raritan-Magothy Aquifer System (PRM), and surface water from the Glendola Reservoir, the Manasquan River / Reservoir, the Shark River and the Swimming River / Reservoir.²

Constraints on Development

Freshwater wetlands are the largest environmental constraint in the Borough. Freshwater wetlands are located along the east and west side of the Borough and account for approximately 117 acres

² Source: 2023 – Borough of Farmingdale Consumer Confidence Report

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or 34.7 percent of the Borough area. Wetlands located along the Borough's western border are associated with the Marsh Bog Brook. On the eastern border wetlands are associated with the Mingamahone Brook. Both brooks flow south through Howell Township and empty into the Manasquan River.

Multigenerational Housing

An amendment to the Fair Housing Act requires “an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20).” As of the date of this Housing Plan there have been no recommendations by the Multigenerational Family Housing Continuity Commission in which to provide an analysis.

Parcels Most Appropriate for Low and Moderate Income Housing

The parcels most appropriate for low-and-moderate income housing include existing and potential affordable sites. Existing affordable sites include:

1. **CARING, Inc. (formerly St. John's Community Service)** – This is a 5-bedroom group residential house located on Academy Street (Block 19, Lot 1.03).
2. **The ARC of Monmouth** – This is a 4-bedroom group home within a residential house located on Ruset Lane (Block 8, lot 14).
3. **401 Philadelphia Blvd., LLC (formerly SHG Enterprises, LLC)** - 6 bedrooms apartment building located at 94 Main Street. 401 Philadelphia Blvd., LLC purchased the SHG property on May 8, 2023 and assumed the deed restrictions and affordable requirements for the property.

Sites that currently have an affordable housing zone or overlay zone include the following:

1. **“Farmingdale Garden Apartments” Property** - Block 12, Lot 23 is an approximate 12.8 acre parcel of property located at 35 West Main Street (County Road 524) in the northwestern portion of the Borough bordering Howell Township to the west. The property is the location of the Farmingdale Garden Apartments complex which contains 176 one-and-two-bedroom rental apartments within 11 two-story buildings. At the present time none of the units are deed restricted for low-and-moderate income housing. Approximately 1.25 acres along the front portion of the site is open space. The density on the site is 13.7 units per acre.

The property was rezoned on April 3, 2018 (Ord. 01-2018) from R-40 to MF as part of the Court-approved Round 3 Housing Plan and Settlement Agreement and permits additional multifamily development on the property including affordable housing in accordance with development regulations.

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2. **“Sterns” Property** - Block 21, Lot 4 is an approximate 16.1 acre parcel of property located at 30 Southard Avenue and known as the “Sterns” property. The property is located along the western border of Farmingdale Borough which borders Howell Township. The property is bound by a branch of the NJ Transit railroad line to the west, single family homes and the Borough water tower/plant to the north and east and industrial warehousing to the west across Southard Ave. The property has a depth of approximately 1,300 feet with frontage of approximately 440 feet along Southard Ave.

The property contains an active light industrial use containing an approximately 150,000 s.f. warehousing/office building and outdoor storage of more than 300 tractor trailers toward along the rear of the property. NJDEP wetlands mapping shows some potential wetlands along the north, east and western property lines.

The property is zoned LI – Light Industrial and includes an affordable housing residential overlay district named “MF-AH – multi-family affordable housing district”. The purpose of the MF-AH Multi-Family Affordable Housing Overlay Zone seeks to facilitate and encourage the creation of non-age-restricted, market-rate affordable housing within the Borough.

A proposed affordable housing overlay zone for Round 4 includes:

1. **Chestnut Street / 2nd and 3rd Avenue Overlay Zone** - The proposed Chestnut Street / 2nd and 3rd Avenue overlay zone is located in the southwest portion of the Borough. The area is currently zoned LI – light industrial and is directly adjacent to the R-7.5 medium density single family zone to the north and east. The area contains a variety of existing land uses including, industrial, commercial, warehousing, storage, railroad, and single family residential. The area contains 14 properties and comprises approximately 10.2 acres as follows:

Block	Lot	Acreage (Approx.)
22	1 (portion)	0.60
23	1	1.84
23	2	3.42
28	1, 2.01, 4, 5, 9	1.47
29	1	0.81
30	1	0.81
31	1, 2, 3	1.54
38	1	0.37
Total		10.26

The purpose of this overlay zone would be to provide an alternative to the I industrial zone in order to facilitate and encourage the creation of non-age-restricted, market-rate affordable housing within the Borough.

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The Borough has reviewed and considered other potential sites for low and moderate income housing but were rejected for various reasons including insufficient access, density considerations, development suitability, and existing neighborhood character.

A map of the existing and proposed affordable housing sites is provided in Exhibit 6.

HOUSING POLICY

Farmingdale Borough has historically addressed its constitutional obligation to create realistic opportunities for low-and-moderate income housing. Despite the severe environmental, physical, and community facility constraints for future development, the Borough of Farmingdale is committed to meeting its fair share of the region's low-and-moderate income housing needs and has made its best efforts to prepare a realistic, workable plan. The Borough has addressed its first, second and third round affordable housing obligation culminating in Housing Plans adopted in December 2005, October 2009 and October 2017, including a final Judgment of Compliance and Repose was granted on June 26, 2018 for its cumulative Round 1 through 3 obligations.

The Borough of Farmingdale Master Plan sets forth its goals and objectives in its Housing Plan Element as follows:

- To provide an adequate, affordable, and balanced supply of housing types for the current and prospective population of the Borough, consistent with the established pattern of development within the Borough at this time.
- To maintain the character and value of existing residential neighborhoods.
- To establish appropriate densities for undeveloped residential land within the Borough.

FAIR SHARE PLAN

A “Fair Share Plan” is defined as a plan that describes the mechanisms and the funding sources, if applicable, by which a municipality proposes to address its affordable housing obligation as established in the Housing Plan Element. It can include the draft ordinances necessary to implement the Housing Plan. A Fair Share Plan is defined as follows:

N.J.S.A. 52:27D-304. Definitions

v. "Fair share plan" means the plan or proposal that is in a form which may readily be adopted, with accompanying ordinances and resolutions, pursuant to subsection f. of section 3 of P.L.2024, c.2 (C.52:27D-304.1), by which a municipality proposes to satisfy its obligation to create a realistic opportunity to meet its fair share of low-and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low-and moderate-income housing, as provided in the municipal housing element, and addresses the development regulations necessary to implement the housing

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element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

The need for affordable housing in New Jersey is divided into three components:

- *Prior Round Obligation* – The Prior Round Obligation is the cumulative 1987-1999 fair share obligation as was determined by COAH for Round 1 and 2, and 1999-2025 for Round 3. The first three rounds are mutually referred to as the “Prior Round” and have been granted a Judgment of Compliance and Repose by the Court.
- * *Fourth Round Present Need or Rehabilitation Obligation* – The Rehabilitation Obligation represents the number of existing housing units that are both “deficient” and occupied by low-and moderate-income households for the fourth round (July 2, 2025 – June 30, 2035). Pursuant to 52:27D-304.2. 6.a.:

“Municipal present need for each 10-year round of affordable housing obligations shall be determined by estimating the deficient housing units occupied by low- and moderate-income households in the region, following a methodology similar to the methodology used to determine third round municipal present need, through the use of most recent datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof.”

- * *Fourth Round Prospective Need Obligation* - The prospective need obligation for Round 4 covers the time period July 2, 2025 through June 30, 2035. It is defined as follows:

"Prospective need" means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c.2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

- * Pursuant to P.L. 2024, c.2 (the “Act”) methodology was adopted to calculate every municipality’s present and prospective need affordable housing obligation for the Fourth Round (2025-2035). The Act directed the Department of Community Affairs (“DCA”) to apply the methodology and render non-binding calculations of each municipality’s present and prospective affordable housing obligations to be contained in a report to be issued not later than October 20, 2024.

Figure 10 presents the three components of the Borough of Farmingdale affordable housing obligation:

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Figure 10
FAIR SHARE OBLIGATION
Borough of Farmingdale

Farmingdale's Fair Share Obligation		Units
A.	Prior Round Obligation Round 1 and 2 – (1987 through 1999)	19
	Prior Round Obligation Round 3 – (1999 through 2025) (1)	51
B.	Round 4 Present Need Obligation (Rehabilitation Obligation) – The Present Need Obligation which was previously referred to as the “rehabilitation share” is a measure of overcrowded and deficient housing that is occupied by low-and-moderate income households based on the 2010 U.S. Census.	0
C.	Round 4 Prospective Obligation (July 2, 2025 through June 30, 2035):	22

Notes:

(1) 51 units for Round 3 was pursuant to a Court-approved settlement agreement. That 51-unit obligation was adjusted utilizing a vacant land analysis, producing a Court-approved Realistic Development Potential (RDP) of 3 units.

Prior Round Obligation (Rounds 1-3)

The Prior Round obligations covered the period from 1987 through 1999 for Rounds 1 and 2 and 1999 through 2025 for Round 3. The Borough's Prior Round obligation was 19 units for Round 1 and 2 and 51 units for Round 3 pursuant the Borough's Settlement Agreement for a total of 70 units.

Based on the calculations for the Round 1 and 2 Housing Plan, the Borough was granted a total of 20 credits as applied to the new construction component of 19 units for two group homes (ARC of Monmouth and St. John's) and an age-restricted affordable housing development (SHG). Therefore, the Borough satisfied its Round 1 and Round 2 affordable housing obligation of 19 units with a one (1) unit affordable housing credit to be applied to Round 3. This was set forth in the 2004 JOR. All mechanisms used to address the Round 1 and 2 obligations as reflected in the 2004 JOR were developed and the Borough continues to rely upon them to satisfy that obligation.

The Round 3 obligation (1999-2025) was 51 units pursuant to the Court-approved Settlement Agreement between the Borough and Fair Share Housing Center. The Borough undertook a vacant land adjustment yielding a Realistic Development Potential (RDP) calculation of three (3) affordable housing units for Round 3 due to an underdevelopment property – Farmingdale Garden Apartments. The Borough's Housing Plan addressed the 3-unit RDP based upon a zoning amendment which will allow for a potential increase in the number of apartment units on an already developed site, with the additionally permitted units to have a 20 percent affordable housing set-aside. Under the Round 3 settlement agreement, the Borough agreed to address its three (3) unit

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RDP and a portion of its remaining Round 3 unmet need through a combination of rezoning, overlay zoning and adoption of affordable housing regulations including a development fee ordinance. The Borough's Round 3 Plan was approved by the Court in its 2018 Final JOR, and all mechanisms approved by the Court remain in place.

Round 4 Obligation – (2025 -2035)

The Round 4 obligation (2025-2035) is outlined in DCA's fair share methodology and provides calculations of low- and moderate-income housing obligation report as prepared by the office of Policy and External Affairs and Local Planning Services in the Department of Community Affairs. The report explains the formula and criteria in compliance with P.L. 2024, c.2 (the Affordable Housing Law) and provides the present and prospective need calculations for each municipality. The report is not dated but was published in October 2024. The present need and prospective need for the Borough of Farmingdale is as follows:

Present Need (Rehabilitation) Component (0 Units):

The Present need obligation, also known as the Rehabilitation Obligation, represents the number of existing housing units that are both "deficient" and occupied by low-and moderate-income households for the fourth round (July 2, 2025 – June 30, 2035). Pursuant to 52:27D-304.2. 6.a.:

“Municipal present need for each 10-year round of affordable housing obligations shall be determined by estimating the deficient housing units occupied by low- and moderate-income households in the region, following a methodology similar to the methodology used to determine third round municipal present need, through the use of most recent datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof.”

The present need is a measure of overcrowded and deficient housing that is occupied by low-and -moderate income households. The present need was previously referred to and sometimes commonly referred to as the "rehabilitation share."

The present need obligation for the Borough is zero (0) units.

Prospective Need (Round 4) (22 units):

Prospective need is a measure of low-and-moderate income housing needs, based on development and growth that occurred or is reasonably likely to occur in a region or municipality. The prospective need covers the period from 2025 through 2035 and is calculated by the New Jersey DCA to be 22 units.

The Borough accepts the Round 4 obligations as prepared by the New Jersey DCA and reserves the right to adjust the number and amend the number in the event of a challenge

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to the DCA calculations or any change in legislation.

The prospective need obligation continues to be subject to a vacant land adjustment as it was for Rounds 1 through 3. The Borough reviewed and updated its Court-approved Round 3 vacant land adjustment to determine if there were any change in circumstances since the 2018 Final JOR. That review determined that the prior Realistic Development Potential (RDP) calculation of three (3) units should be adjusted to zero (0) units. This was due to the vacant front portion of the Farmingdale Garden Apartment property that contains approximately 1.5 acres being located within a 100-year floodplain and thus should be excluded as environmentally sensitive land pursuant to N.J.S.A. 5:93-4.2(e)2. Therefore, the Borough's entire 22-unit Round 4 prospective need will be added onto the Borough's "unmet need." This has been reflected in the Borough's Mediation Agreement with Fair Share Housing Center, which has been executed by the parties filed with the Program.

Satisfaction of the Round 4 Adjusted Fair Share Obligation / Realistic Development Potential (RDP)

For municipalities that receive a vacant land adjustment of its prospective obligation N.J.S.A. 52:27D-310.1 states that a municipality is required to address at least 25 percent of the prospective need obligation that has been adjusted through adoption of realistic zoning as follows:

"C.52:27D-310.1 Computing municipal adjustment, exclusions.

1. Any municipality that receives an adjustment of its prospective need obligations for the fourth round or subsequent rounds based on a lack of vacant land shall, as part of the process of adopting and implementing its housing element and fair share plan, identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so. When computing a municipal adjustment regarding available land resources as part of the determination of a municipality's fair share of affordable housing, the municipality, in filing a housing element and fair share plan pursuant to subsection f. of section 3 of P.L.2024, c.2 (C.52:27D-304.1), shall exclude from designating, and the process set forth pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1) and section 13 of P.L.1985, c.222 (C.52:27D-313) shall confirm was correctly excluded, as vacant land."

Based on the plain reading of the statute, the Borough is required to continue to address its 3-unit RDP which it has done in its previously approved Housing Plan Element and Fair Share Plan. With regard to the 25% requirement, the Borough's adjusted Round 4 prospective need is zero. (i.e. 25% of (0) zero = (0) zero). Based upon the plain reading of the statute, 25% of zero leaves no obligation for the Borough under section 310.1.

Additional Zoning to Address Unmet Need

In addition to the Mandatory Set Aside Ordinance and other Court-approved Round 3 mechanisms to address the unmet need, the Borough of Farmingdale will also provide the following mechanisms:

Group Home Provider or Nonprofit

The Borough will work to identify a qualified group home or nonprofit provider to create three (3) creditworthy units within the Borough by the Midpoint Review (July 1, 2030). The Borough will report whether the three (3) affordable units have been created, or are in the process of being created, as will be demonstrated by a fully-executed agreement between the Borough and qualified group home or nonprofit provider, or approvals from the Farmingdale Land Use Board.

Area in Need of Redevelopment (AINR) Study (if required)

If by the July 1, 2030 Midpoint Review, the Borough has been unsuccessful in demonstrating that three (3) affordable units have been or will be created, the Borough agrees to conduct an Area in Need of Redevelopment (AINR) study for the +/- 3.1-acre property located at 58-74 Main Street (Block 4, Lot 2) known as the “Shop N’ Bag supermarket” property. If determined the property qualifies as an Area in Need of Redevelopment, the Borough would move toward preparing a Redevelopment Plan to include and permit a mixed-use development (commercial on ground floor and inclusionary residential on the second and third floors). It would be anticipated that the zoning requirements would include a maximum of 3 stories in height, a 20 percent set-aside for affordable units, with density and other bulk standards to be determined and specified in the Redevelopment Plan. It is anticipated that approximately 8 affordable units would result from this development and be applied to the Borough’s obligation.

Chestnut Street / 2nd and 3rd Avenue Overlay Zone

The overlay zone will be an option to the existing LI – Light Industrial Zone of the Borough to permit multi-family residential development at a gross density of 14 dwelling units per acre. The overlay zone will require a twenty (20) percent affordable housing set aside for affordable sale units. It is anticipated that a total of approximately 144 total units and approximately 28 affordable units would be gained based on the approximate acreage of the properties and density if fully developed, which would satisfy the Borough’s entire Round 4 prospective need obligation.

The purpose of this overlay zone would be to provide an alternative to the LI - light industrial zone in order to facilitate and encourage the creation of non-age-restricted, affordable housing within the Borough. The affordable housing overlay zone will be required to meet applicable zoning requirements and affordable housing requirements as specified in the Borough’s Land Development (Chapter 25) and Affordable Housing (Chapter 27) regulations, as may be amended to comply with the March 2024 amendments to the Fair Housing Act, as well as the new UHAC regulations slated for publication in June 2025.

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A proposed ordinance adopting the overlay zone is provided in Exhibit 8.

Unit Type and Distribution RequirementsAge-Restricted Cap

Age-restricted units are capped at 30 percent of the overall Fourth Round obligation exclusive of any bonus credits pursuant to N.J.S.A 52:27D-311(1).

Family Units

Pursuant to N.J.S.A. 52:27D-311(1)The Borough shall satisfy a minimum of 50 percent of the actual affordable housing units, exclusive of any bonus credits created to address its Fourth Round Prospective Need affordable housing through the creation of housing available to families with children and otherwise in compliance with the requirements and controls established pursuant to Section 21 of P.L. 1985, c. 222 (C.52:27D-321).

Rental and Family Units

Pursuant to N.J.S.A.52:27D-311(1), at least 25 percent of the actual affordable housing units, exclusive of any bonus credits, created to address its Prospective Need affordable housing obligation shall be addressed through rental housing, including at least half as available to families with children.

Very low-income units

Pursuant to N.J.S.A.52:27D-329.1, 13 percent of all affordable units addressing the Borough's Prospective Need obligation shall be very low-income units for households earning 30 percent or less of the regional median income, with half of the very low-income units being available to families.

EXHIBITS

Exhibit 1 – Settlement Agreement (MON-L-5603-05 – 10/25/17) (Round 3)

Exhibit 2 – 2018 Final JOR and 2004 JOR

Exhibit 3 – Resolution 2025-28 – Accepting DCA Obligation

Exhibit 4 – Order entered by the Court Setting the Round 4 Prospective Need

Exhibit 5 - Low-and-Moderate Income Households – 2022 Rental and Sales Prices

Exhibit 6 – Existing and Potential Affordable Housing Location Map

Exhibit 7 – Vacant Land Inventory Chart

Exhibit 8 - Proposed -Draft- Zoning Ordinance – Chestnut / 2nd & 3rd Street Overlay Zone

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AGREEMENT TO RESOLVE ISSUES BETWEEN THE BOROUGH OF FARMINGDALE AND FAIR SHARE HOUSING CENTER CONCERNING THE BOROUGH'S MOUNT LAUREL FAIR SHARE OBLIGATIONS AND THE MEANS BY WHICH THE BOROUGH INTENDS TO SATISFY SAME.

**In the Matter of the Borough of Farmingdale, County of Monmouth,
Docket No. MON-L-5603-05**

THIS SETTLEMENT AGREEMENT ("Agreement") made this 21st day of February, 2017, by and between:

BOROUGH OF FARMINGDALE, a municipal corporation of the State of New Jersey, County of Monmouth, having an address at 11 Asbury Avenue, Farmingdale, New Jersey 07727 (hereinafter the "Borough" or "Farmingdale");

And

FAIR SHARE HOUSING CENTER, having an address at 510 Park Boulevard, Cherry Hill, New Jersey 08002, (hereinafter "FSHC");

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), the Borough filed the above-captioned matter on July 2, 2015 seeking, among other things, a judicial declaration that its amended Housing Element and Fair Share Plan (hereinafter "Fair Share Plan"), as may be further amended in accordance with this Agreement, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the Mount Laurel doctrine; and

WHEREAS, the Borough simultaneously sought and ultimately secured an Order protecting Farmingdale from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and

WHEREAS, the immunity secured by Farmingdale remains in force as of the date of this Agreement; and

WHEREAS, the trial court appointed Elizabeth C. McKenzie, A.I.C.P., P.P., as the "Special Master" in this case as is customary in Mount Laurel matters; and

WHEREAS, with Ms. McKenzie's assistance, Farmingdale and FSHC have engaged in good faith negotiations and have reached an amicable accord on the various substantive provisions, terms and conditions delineated herein; and

WHEREAS, through that process, the Borough and FSHC agreed to settle the litigation and to present that settlement to the trial court, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households; and

WHEREAS, at this time and at this particular point in the process resulting from the Mount Laurel IV decision, when fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need, instead of doing so through plenary adjudication of the present and prospective need.

NOW, THEREFORE, in consideration of the promises, the mutual obligations contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the Parties, the Parties hereto, each binding itself, do hereby covenant and agree, each with the other, as follows:

Settlement Terms

The Borough and FSHC hereby agree to the following general terms, subject to any relevant conditions set forth in more detail below:

1. Farmingdale' "Rehabilitation" obligation is 8.
2. Farmingdale' "Prior Round" obligation is 19.
3. Farmingdale' allocation of the Round 3 regional prospective need, pursuant to this settlement agreement, shall be 51 units.
4. FSHC and the Borough agree that Farmingdale does not accept the basis of the methodology or calculations proffered by FSHC's consultant, David N. Kinsey, PhD, PP, FAICP. The Parties agree to the terms in this agreement solely for purposes of settlement of this action. Although the Borough does not accept the basis of the methodology or calculations proffered by FSHC's consultant, FSHC contends, and is free to take the position before the Court, that the 51-unit obligation should be accepted by the Court because it is based on the Prior Round methodology and reflects a 30-percent reduction of Dr. Kinsey's May 2016 calculation of the Borough's Third Round fair share obligations prior to application of any caps.
5. Pursuant to N.J.A.C. 5:93-4.2, and as confirmed by Special Master McKenzie, Farmingdale's current Realistic Development Potential (hereinafter "RDP") is three (3).
6. **Satisfaction of Rehabilitation Obligation:** The Borough has an 8-unit rehabilitation obligation, of which, pending documentary confirmation provided to the Special Master by the Borough, two units have been satisfied through participation in the Monmouth County Affordable Housing Rehabilitation Program. The Borough intends to address the balance of its rehabilitation obligation through continued participation in the Monmouth County Affordable Housing Rehabilitation Program, with funds provided from the Borough's Affordable Housing Trust Fund, which participation will include the rehabilitation of renter-occupied units.
7. **Satisfaction of Prior Round Obligation:** The Borough satisfied its entire 19-unit Prior Round obligation with a one-unit surplus as set forth in the Judgment of Compliance and Repose entered by Honorable Robert O'Hagan, J.S.C. on December 21, 2004. All mechanisms used to address the Prior Round obligation as reflected in the Judgment of Compliance and Repose were actually developed and the Borough continues to rely upon them to satisfy that obligation.
8. **Satisfaction of RDP and Remaining Portion of its 51-Unit Round 3 Obligation:** The Borough has undertaken a vacant land adjustment which yields an RDP of 0 for the third round. However, the Borough will fulfill a 3-unit RDP based on a proposed zoning amendment which will increase the number of apartment units on an already developed site, with the additionally permitted units to have a 15% affordable housing set-aside. The vacant land analysis is attached as Exhibit A. For the purposes of settlement, the Borough agrees to

address its 3 unit RDP and a portion of its remaining 48-unit Round 3 regional need allocation through the following mechanisms:

“Sterns” Property – Overlay Zoning

Block 21, Lot 4 is an approximate 16.1 acre parcel of property located at 30 Southard Ave. and is commonly referred to the “Sterns Property” due to the current trucking operation called “Sterns Transport, Inc.” The property is located along the western border of Farmingdale Borough, adjacent to the Howell Township border. The property is bound by a branch of the NJ Transit railroad line to the west, single family homes and the Borough water tower/plant to the north and east, and industrial warehousing to the west across Southard Ave. The property has a depth of approximately 1,300 feet with frontage of approximately 440 feet along Southard Ave.

The property is zoned “LI – Light Industrial” and currently has a conforming use on site. The light industrial use includes an approximately 150,000 s.f. warehousing/office building and outdoor storage of more than 300 tractor trailers toward along the rear of the property. NJDEP wetlands mapping shows some potential wetlands along the north, east and western property lines.

Subject to all notice and hearing provisions set forth in the New Jersey Municipal Land Use Law and any other relevant statutes, the Borough shall adopt an overlay zone on the entire Sterns Property at a gross density of 10 units per acre with a maximum building height of 3 stories and 45 feet, provided that no building or portion of a building erected within 75 feet of a residential zone shall exceed two and a half stories and 35 feet in height, with a twenty (20) percent affordable housing set aside for affordable units that are for sale and a fifteen (15) percent affordable housing set aside for affordable units that are for rent.

“Farmingdale Garden Apartments” Property

Block 12, Lot 23 is approximately 12.8 acres located at 35 West Main Street (County Road 524) in the northwestern portion of the Borough bordering Howell Township to the west. The property currently contains the Farmingdale Garden Apartments complex which includes 176 one- and two-bedroom rental apartments within 11 two-story buildings. The apartment complex is operated by the PRC Group. At the present time, none of the units are deed restricted for low and moderate income housing although the market rates for these units are at, or below, the maximum rental rates for low- and moderate-income families in COAH’s Region 4. Approximately 1.25 acres along the front portion of the site is open space. Presently the density on the site is 13.7 units per acre.

The property is located in the R-40 single family residential zone and therefore it is a nonconforming use. The property is also surrounded by well-established single family neighborhoods and the Welsh Farms convenience store on West Main Street. The Marsh Bog Brook is located in close proximity to the site along the western border.

Subject to all notice and hearing provisions set forth in the New Jersey Municipal Land Use Law and any other relevant statutes, the Borough shall amend its zoning ordinance to increase the as-of-right density on the site from 13.7 units per acre to 15 units per acre. The magnitude of the density increase is based on the parcel's limited undeveloped area. However, such an increase in density could create the opportunity to construct an additional 16 units on-site, raising the total number of units from 176 units to 192 units. As a condition of this increase in density, the developer/owner would be required to provide a 20 percent affordable housing set-aside on the additional units to be built, which would equal three (3) affordable rental units on-site. One of these units shall be required to be a very low income unit, one shall be required to be a low income unit and one may be a moderate income unit.

Development Fee Ordinance:

The Borough has an adopted and approved Development Fee Ordinance, which shall be updated and amended if recommended by the Court-appointed Master. The Borough shall prepare a Spending Plan for submission to the Court, which Spending Plan shall comply with the Spending Plan provisions in paragraph 20 below.

9. The Borough's RDP shall not be revisited by FSHC or any other interested party absent a substantial changed circumstance and, if such a change in circumstances occurs either with the RDP or the remaining portion of its allocation of the Round 3 regional need, the Borough shall have the express right to address the issue without any negative impact on its immunity from all Mount Laurel lawsuits or any form of related litigation claiming that the RDP should be increased.

10. The Borough agrees to require 13% of all the affordable units referenced in this plan, with the exception of units constructed as of July 1, 2008, and units subject to preliminary or final site plan approval, to be very low income units, with half of the very low income units being available to families.

11. To the extent that Farmingdale is entitled to any "bonus credits" to be applied to its Round 3 obligation, such bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).

12. At least 50 percent of the units addressing the Third Round Prospective Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.

13. At least twenty-five percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families.

14. At least half of the units addressing the Third Round Prospective Need in total must be available to families.

15. The Borough agrees to comply with COAH's Round 2 age-restricted cap of 25 percent, and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the Borough claim credit toward its fair share obligation for age-restricted units that exceed 25 percent of all units developed or planned to meet its prior round and Round 3 fair share obligations.

16. The Borough and/or its administrative agent shall add the following entities to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5): Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, STEPS, OCEAN, Inc., the Greater Red Bank, Asbury Park/Neptune, Bayshore, Greater Freehold, Greater Long Branch, and Trenton Branches of the NAACP, and the Supportive Housing Association. As part of its regional affirmative marketing strategies during implementation of its fair share plan, the Borough and/or its administrative agent shall also provide notice of all available affordable housing units to the above-referenced organizations.

17. All affordable housing units created pursuant to the measures set forth in this Agreement shall comply with the Uniform Housing Affordability Controls (“UHAC”), N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law. The Borough as part of the Housing Element and Fair Share Plan that will be prepared, adopted and endorsed as a result of this Agreement, shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. The Housing Element and Fair Share Plan, along with a Spending Plan, and adopted versions of all ordinances required to be adopted as part of this Agreement, shall be submitted to the Court and the Special Master within 120 days of the entry of an order by the Court approving this Agreement.

18. The Court has scheduled a “Fairness Hearing” seeking judicial approval the terms of this Agreement pursuant to the legal standard set forth in Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), *aff’d o.b.*, 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. City of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). Notice of the Fairness Hearing will be published at least 30 days in advance of the Hearing. Farmingdale shall apply to the Court for scheduling a “Compliance Hearing” seeking judicial approval of Farmingdale’s Housing Element and Fair Share Plan, once same is prepared, adopted and endorsed. The Fairness and Compliance Hearings can be held concurrently or sequentially, which shall be decided by the Court with consultation by the Special Master, Farmingdale, and FSHC. Although it is expected that the Special Master will provide the majority of the required testimony, Farmingdale shall also make its consulting planner and any other relevant witnesses available for testimony at the Hearing(s). FSHC shall not challenge the validity of any of the documents attached hereto, or the validity of the Borough’s Fair Share Plan. If the Fairness and Compliance Hearing(s) result in approval of this Agreement and the Borough’s Fair Share Plan, the parties agree that the Borough will be entitled to either a “Judgment of Compliance and Repose” (“JOR”) or the of the “judicial equivalent of substantive certification and accompanying protection as provided under the FHA,” 221 N.J. at 6, which shall be determined by the trial judge. Each party may advocate regarding whether substantive certification or repose should be provided by the Court, with each party agreeing to accept either form of relief and to not appeal an order granting either repose or substantive certification. Among other things, the entry of such an Order shall maintain Farmingdale’s immunity from all Mount Laurel lawsuits through July 2, 2025.

19. Subsequent to the signing of this Agreement, if a binding legal determination by the Judiciary, the Legislature, or any administrative subdivision of the Executive Branch determines that Farmingdale’s Round 3 obligation is decreased to 98 or less, with any relevant

appeal periods having passed, the Borough may file a proposed form of Order, on notice to FSHC and the Borough's Service List, seeking to reduce its Round 3 obligation accordingly. Such relief shall be presumptively granted unless FSHC can demonstrate through clear and convincing evidence that such a reduction is manifestly prejudicial to the region's low and moderate income households. Notwithstanding any such reduction, the Borough shall be obligated to implement the Fair Share Plan prepared, adopted and endorsed as a result of this Agreement, including by leaving in place any site specific zoning adopted or relied upon in connection with the Plan approved pursuant to this Agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms to address the remaining portion of the Borough's allocation of the Round 3 regional need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Borough's obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or the fair share plan adopted pursuant to this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Borough prevails in reducing its prospective need for Round 3, the Borough may carry over any resulting surplus credits to Round 4.

20. The Borough shall prepare a Spending Plan, which will be submitted to the Court and Court Master for review and approval within 120 days of the entry of an order by the Court approving this Agreement. FSHC reserves its right to provide any comments or objections on the Spending Plan to the Court upon review. Upon approval by the Court, the Borough and Fair Share Housing Center agree that the expenditures of funds contemplated in the Borough's Spending Plan shall constitute the "commitment" for expenditure required pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period contemplated therein commencing in accordance with the provisions of In re Tp. Of Monroe, 442 N.J.Super. 565 (Law Div. 2015) (aff'd 442 N.J.Super. 563). Upon approval of its Spending Plan the Borough shall also provide an annual Mount Laurel Trust Fund accounting report to the New Jersey Department of Community Affairs, Council on Affordable Housing, Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services.

21. On the first anniversary of the execution of this Agreement, and every anniversary thereafter through the end of this Agreement, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.

22. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during the ten-year period of protection provided in this Agreement. The Borough agrees to comply with those provisions as follows:

a) For the midpoint realistic opportunity review due on July 2, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will submit to the Court and Special Master a status report for review with notice to all interested parties on or before that date.

b) For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, the Borough will submit a report to the Court and Special Master for

review with notice to all interested parties within three years of the entry of an Order approving the Borough's fair share plan and every third year thereafter.

23. This Agreement may be enforced by the Borough or FSHC through a motion to enforce litigant's rights or a separate action filed in Superior Court, Ocean County. If FSHC determines that such action is necessary, the Borough consents to the entry of an order providing FSHC party status as an intervenor solely for purposes of its motion to enforce litigant's rights.

24. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement. However, if an appeal of the Court's approval or rejection of the Settlement Agreement is filed, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division, and New Jersey Supreme Court, and to continue to implement the terms of the Settlement Agreement if the Agreement is approved by the trial Court unless and until an appeal of the trial Court's approval is successful, at which point the Parties reserve their right to return to the *status quo ante*.

25. Assuming the Borough makes a good faith effort to comply with its obligations under the terms of this Agreement, FSHC shall not seek counsel fees against the Borough.

26. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.

27. This Agreement shall be governed by and construed by the laws of the State of New Jersey.

28. This Agreement may not be modified, amended or altered in any way except by a writing signed by both the Borough and FSHC.

29. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.

30. The Borough and FSHC acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each person to sign this Agreement is the proper person and possesses the authority to sign the Agreement, that this Agreement contains the entire understanding of the Borough and FSHC and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.

31. The Borough and FSHC acknowledge that this Agreement was not drafted by the Borough and FSHC, but was drafted, negotiated and reviewed by representatives of the Borough and FSHC and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. The Borough and FSHC expressly represent that: (a) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (b) it has conferred due authority for execution of this Agreement upon the persons executing it.

32. Any and all Exhibits and Schedules in the future may be made a part of this Agreement with prior written approval of both the Borough and FSHC.

33. This Agreement constitutes the entire Agreement between the Borough and FSHC hereto and supersedes all prior oral and written agreements between the Borough and FSHC with respect to the subject matter hereof except as otherwise provided herein.

34. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which representatives of the Borough and FSHC have executed and delivered this Agreement.

35. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the Borough and FSHC by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days' notice as provided herein:

TO FSHC: Kevin D. Walsh, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
Phone: (856) 665-5444
Telecopier: (856) 663-8182
E-mail: kevinwalsh@fairsharehousing.org

TO THE BOROUGH: Michael A. Jedziniak, Esq.
Jeffrey R. Surenian & Associates, LLC
707 Union Avenue, Suite 301
Brielle, NJ 08730
Phone: (732) 612-3100
Telecopier: (732) 612-3101
Email: maj@surenian.com

Joseph A. Clark, Esq.
Dilworth Paxon
331 Newman Springs Road
Building 1, Suite 136
Red Bank, New Jersey 07701-5688
Phone: (732) 383-5524
Telecopier: (732) 383-7412
Email: jclark@dilworthlaw.com

**WITH A COPY TO THE
BOROUGH CLERK:**

Borough of Farmingdale
Attn: Borough Clerk
11 Asbury Avenue
Farmingdale, NJ 07727
Phone: (732) 919-4077

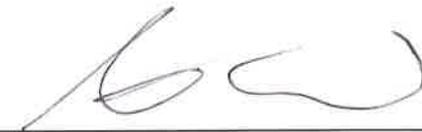
In the event any of the individuals identified above has a successor, the individual identified shall name the successor and notify all others identified of their successor.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be properly executed, their corporate seals affixed and attested and this Agreement to be effective as of the Effective Date.

Witness/Attest:

FAIR SHARE HOUSING CENTER:

John D. Bauer

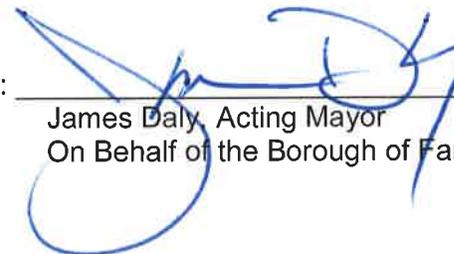
By: 
Adam M. Gordon, Esq.
On Behalf of Fair Share Housing Center

Dated: 2/10/17

Witness/Attest:

BOROUGH OF FARMINGDALE:

CMD, Concia

By: 
James Daly, Acting Mayor
On Behalf of the Borough of Farmingdale

Dated: 02/21/2017

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A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

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AS A CIVIL TRIAL ATTORNEY

⁰ CERTIFIED BY THE SUPERIOR COURT OF NJ
AS A WORKERS' COMPENSATION LAW ATTORNEY

Thomas J. Muccifori (1930-2000)
A. Thomas Amabile (1936-1993)

January 12, 2005

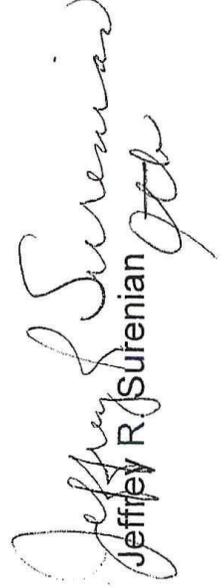
Council on Affordable Housing
101 South Broad Street
PO Box 813
Trenton, NJ 08625-0813

Re: Borough of Farmingdale, Monmouth County

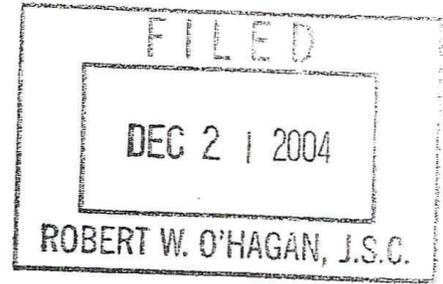
Gentlemen:

Enclosed for your files is a copy of the Judgment of Repose entered in the
above-captioned matter on December 21, 2004, by Judge O'Hagan.

Very truly yours,


Jeffrey R. Surenian

JRS/ltb
Enc.



LOMELL LAW FIRM, PC
A Professional Corporation
250 Washington Street
PO Box 787
Toms River, NJ 08753
(732) 349-2443
Attorneys for Defendant, Borough of Farmingdale

Plaintiff(s),

TRADITIONAL DEVELOPERS, LLC, a
limited liability corporation organized under
the laws of the State of New Jersey,

vs.

Defendant(s),

BOROUGH OF FARMINGDALE and the
PLANNING BOARD OF THE BOROUGH
OF FARMINGDALE.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH COUNTY
DOCKET NO.: L MON 5585-02

Civil Case

JUDGMENT OF REPOSE

THIS MATTER having been opened to the Court by Lomell Law Firm, a Professional Corporation, attorneys for defendant, Borough of Farmingdale, Jeffrey R. Surenian, Esq., appearing, in the presence of Stephen Eisdorfer, Esq., of the law firm of Hill, Wallack, attorneys for Traditional Developers, LLC, and Elizabeth C. McKenzie, AICP, PP, Court-appointed Master; and the parties having applied for approval of the Settlement Agreement negotiated between the parties; and the Borough and Planning Board having also applied for approval of the Borough's Housing Element and Fair Share Plan; and the Borough having arranged for proper notice in conjunction with the Fairness Hearing to approve the Settlement and the Compliance Hearing to approve the Housing Element and Fair Share Plan (hereinafter "affordable housing

plan”); and the Court having conducted a hearing on November 4, 2004, for the purpose of considering the following questions:

1. Whether the Settlement is fair and reasonable to low and moderate households.

2. Whether the affordable housing plan creates a realistic opportunity for satisfaction of the Borough’s fair share of low and moderate housing during the first and second housing cycles entitling the Borough and Planning Board to one year of protection from Mount Laurel lawsuits from the effective date of the regulations the New Jersey Council on Affordable Housing (“COAH”) adopts for the third housing cycle, which regulations appeared in the New Jersey Register of August 16, 2004 (and which have since been adopted and will become effective on December 20, 2004).

and the Court-appointed Master having reviewed the settlement agreement and the affordable housing plan and issued a report recommending approval of same and the parties having made various submissions to the Court in conjunction with the defendants’ efforts to secure approval of the affordable housing plan, which documents were jointly marked into evidence and are identified in Exhibit A attached hereto; and the Court having reviewed and considered the documents identified in Exhibit A; and the Court having heard the testimony of the Master, Elizabeth C. McKenzie, AICP, PP; and the Court having, as a result of the foregoing, made certain findings of fact and determinations of law as set forth in Exhibit B and on the record; and good cause therefor appearing

It is on this 21st day of December, 2004, ORDERED AND ADJUDGED as

follows:

1. The Court hereby accepts and approves the Settlement and finds that the said Agreement is fair and reasonable to low and moderate income households.

2. The Court hereby accepts and approves the Housing Element and Fair Share Plan and finds that the affordable housing plan creates a realistic opportunity for satisfaction of the

to the following conditions, to be satisfied within 60 days of the entry of this Judgment:

a. With respect to the two group homes: a) confirmation that the St. John's facility is either owned by the provider or subject to a long-term lease agreement with a deed restriction that will ensure the existence of the group home for a period of at least 30 years; b) confirmation that both group homes are reserved for occupancy by persons of at least 18 years of age or older but are not otherwise age-restricted; and c) the date the ARC facility was established (must be after April 1, 1980).

b. With respect to the senior citizens housing facility: a) confirmation of the number of bedrooms per unit (COAH's Rules require an average of one); b) removal by action of the Planning Board/Zoning Board of the following language found in paragraph 10 on page 7 of the resolution approving the "d" variance for these units, which language is contrary to COAH's affirmative marketing requirements: "...with those units to be rented to senior citizens in Monmouth County, a request that there be preference considered for senior citizens that live in the Borough of Farmingdale"; c) submission of a copy of the deed restriction for this property confirming that the units will be rental units and that the units will remain affordable for a period of thirty (30) years or more; and d) a copy of the contract with the entity established to administer the affordability controls and to affirmatively market these six (6) units.

4. The Court hereby grants a Judgment of Repose and declares that the Borough and Planning Board are entitled to one year of protection from Mount Laurel lawsuits from the effective date of the regulations COAH adopts for the third housing cycle (now known to be one year from December 20, 2004).

5. The Court further orders that the Borough has satisfied its entire affordable housing obligation through 1999 and has created one additional surplus affordable housing unit which may be credited against the Borough's third round fair share obligation.

6. The Court shall retain jurisdiction over the defendant's second round affordable housing compliance plan, particularly with regard to the determination of whether the Borough has an ongoing rehabilitation obligation and, if so, is required to commit to funding and to enter into a contract with Monmouth County Community Development for the rehabilitation of up to four (4) existing low and moderate income units within the Borough of Farmingdale and also